

REMARKS

Each of the objections and rejections in the Office Action will be responded to in their corresponding subheading below.

a. Priority Claim

The Office Action stated that if Applicant desires priority under 35 USC 119(e) based upon previously filed copending applications, specific reference must be made to the instant application.

The specification of the instant application was amended at the time of filing to make specific reference to the previously filed copending application (Serial No. 60/208,122). Furthermore, the claim for priority that was made by Applicant is reflected in the Filing Receipt in the instant application. Copies of the relevant papers are attached.

b. Response to Objection to Drawings

The drawings were rejected to under 37CFR 1.23(a), as failing to show the subject matter of claims 10 and 11. Applicant was required to correct the drawings or cancel the features for the claims.

The objection arose as a result of the amendment made to claim 1 in Applicant's previous response, which caused the limitations in dependent claims 10 and 11 to be inconsistent with those in claim 1. Applicant has cancelled claims 10-11 by the present amendment. It is therefore believed that the requirement for a drawing correction has been obviated by the present amendment.

c. Response to §112 Rejections

Claims 10, 11, 23 and 24 were rejected under 35 USC §112, first paragraph.

Specifically, claims 10 and 11 were rejected as depending from claim 1 in a manner to require both the interfitting ridges and "plurality of discreet teeth". As noted above, claims 10 and 11 have been cancelled by the present amendment, thereby obviating this rejection.

With regard to claim 23, the terms "proximate said adjustment screw" and "substantially rigid" were considered to lack antecedent basis in the specification. Both expressions have been cancelled from claim 23 by the present amendment, thereby obviating the rejection.

Accordingly, for the reasons discussed above, it is respectfully submitted that the rejections of the claims under 35 USC §112 have been overcome by the present amendment.

d. Response to §103 Rejections

Claims 1-5, 8-10, 15 and 21 were rejected under 35 USC §103(a) over Kelley (U.S. 4,097,169) in view of Swann (U.S. 4,534,089). Claims 6-7 were rejected under 35 USC §103(a) over Kelley in view of Swann and further in view of Spencer (U.S. 794,561) and McCarthy (U.S. 4,917,677). Claims 17 and 18 were rejected under 35 USC §103(a) over Kelley in view of Swann and further in view of Cameron (U.S. 5,388,313). Claim 19 was rejected under 35 USC §103(a) over Kelley in view of Swann and Cameron and further in view of Youngblood (U.S. 714,348). Claim 11 was rejected under 35 USC §103(a) as being unpatentable over Kelley in view of Swann and further in view of Holsey (U.S. 969,695). Claim 23 is rejected under 35 USC §103(a) as being upatentable over Kelley in view of Swann and further in view of James (U.S. 3,177,542).

In response to the above rejections, Applicant has amended independent claim 1 to include limitations that are neither taught nor suggested by the cited references. Specifically, claim 1 has been amended to recite that the transverse, inter-fitting ridges are non-interlocking. Support for this amendment is provided by Applicant's specification and drawings, which clearly show that the ridges are not interlocking (i.e., they do not lock together when they are pressed into engagement) and instead are free from such an engagement so that they and their two jaws spread apart as the adjustment screw is loosened.

This limitation is neither taught nor suggested by the cited references. The primary reference (Kelly, U.S. 4,097,169) is cited as showing a clamp, but not the jaw feature. The secondary reference, (Swann, U.S. 4,5334,089) was therefore cited as showing jaws having "a

plurality of transverse inter-fitting ridges". However, Swann clearly shows and states that the "ridges" of its device form an interlocking engagement (e.g., see col. 4, lines 41-44). Moreover, it would not be obvious to modify the ridges of Swann so that these would not form an interlocking engagement, since the interlocking engagement of the ridges is the feature that holds the device closed and elimination of this feature would defeat the function of the device and render it unsatisfactory for its intended purpose (MPEP 2133.01).

Accordingly, Swann fails to teach a clip assembly having "a plurality of transverse, interfitted, non-interlocking ridges" formed on the first and second jaw portions, as is required by Applicant's amended claim 1. Neither Kelley nor any of the other references add anything that would teach or suggest this limitation. Applicant therefore respectfully submits that the rejection of claim 1 and its dependent claims under 35 USC §103(a) have been overcome by the present amendment.

With regard to independent claim 23 and its dependent claim 24, Applicant has not amended independent claim 23 in the same manner as independent claim 1. Rather, Applicant has amended claim 23 to include the limitations of claim 24, reciting that the stop member comprises "a raised projection formed on said shaft portion of said screw".

Neither Kelly nor Swann show such a feature. In the Office Action, James (U.S. 3,177,542) was cited as showing the stop member. However, in James the "stops" are raised projections on the plates: Neither James or any of the other references teach or suggest a stop member that comprises a raised portion formed on the shaft of the adjustment screw, as is required by amended claim 23. It is therefore respectfully submitted that the rejection of claim 23 under 35 USC §103(a) has been overcome by the present amendment.

e. Allowable Subject Matter

Claims 16 and 22 were objected to as being dependent upon a rejected base claim, but were stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Applicant has cancelled claim 22 and has incorporated the limitations thereof in amended claim 21. Amended claim 21 therefore corresponds to claim 22 rewritten in independent form including the limitations of the base claim and intervening claims (there being

no intervening claims in this case). It is therefore respectfully submitted that amended claim 21 is now in condition for allowance.

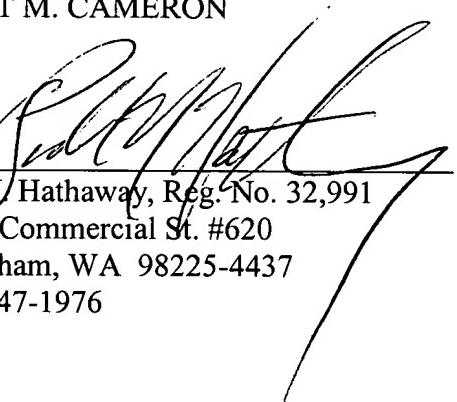
f. Conclusion

Applicant respectfully requests reconsideration of the present application in view of the amendments and remarks set forth herein. It is believed that the above-referenced claims are now in condition for allowance. If there is any matter that can be expedited by consultation with Applicant's attorney, such would be welcome. Applicant's attorney can normally be reached at the telephone number given below.

Signed at Bellingham, County of Whatcom, State of Washington this 30th day of March 2004.

Respectfully submitted,

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